

AMENDED IN SENATE FEBRUARY 15, 2011

AMENDED IN SENATE JANUARY 10, 2011

Senate Constitutional Amendment

No. 2

**Introduced by Senator Wyland
(Principal coauthor: Senator Emmerson)**

December 6, 2010

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, and 12 of Article IV thereof, relating to legislative sessions.

LEGISLATIVE COUNSEL'S DIGEST

SCA 2, as amended, Wyland. Revised biennial session.

(1) The California Constitution requires the Legislature to convene in regular biennial session at noon on the first Monday in December of each even-numbered year to consider legislation and the Budget Bill.

This measure would require the Legislature to convene in regular biennial session, but would require, commencing on December 3, 2012, that the sessions held in odd-numbered years be budget sessions, and *that the* sessions held in even-numbered years be general sessions. The measure would require the Legislature in the budget session to adopt Budget Bills for each of the 2 subsequent fiscal years. The measure would require the Legislature, during a budget session, to meet only to conduct oversight and review of the revenues and expenditures of the state, to ~~examine state incentives~~ *conduct hearings to hear recommendations for economic growth and improving job creation and economic development*, and to consider Budget Bills; *and* budget implementation bills, as defined, ~~and related revenue bills, except the~~

~~Legislature could consider as well as~~ urgency statutes *and bills to improve job creation and economic development.*

(2) The California Constitution requires that a budget be submitted by the Governor, and that the Legislature pass a Budget Act on or before June 15. Funds may be expended from the State Treasury for support of the state government only through an appropriation made by law.

This measure would require, in each odd-numbered calendar year, commencing in 2013, that the Governor submit to the Legislature ~~2 a proposed budget~~ *budget for each of the 2 subsequent fiscal years; respectively.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That Section 3 of Article IV thereof is amended to read:

8 SEC. 3. (a) The Legislature shall convene in regular session
9 at noon on the first Monday in December of each even-numbered
10 year and each house shall immediately organize. Each session of
11 the Legislature shall adjourn sine die by operation of the
12 Constitution at midnight on November 30 of the following
13 even-numbered year.

14 (b) On extraordinary occasions the Governor by proclamation
15 may cause the Legislature to assemble in special session. When
16 so assembled it has power to legislate only on subjects specified
17 in the proclamation but may provide for expenses and other matters
18 incidental to the session.

19 (c) This section does not apply to any legislative session
20 commencing on or after December 3, 2012. This section shall
21 remain in effect until December 3, 2012, and as of that date is
22 repealed. Section 3 of Article IV, as added by the measure that
23 added this subdivision, shall apply to legislative sessions
24 commencing on or after December 3, 2012.

25 Second—That Section 3 is added to Article IV thereof, to read:

26 SEC. 3. (a) The Legislature shall convene in biennial regular
27 session at noon on the first Monday in December of each

1 even-numbered year and each house shall immediately organize.
2 Each regular session of the Legislature shall adjourn sine die by
3 operation of the Constitution at midnight on November 30 of the
4 following even-numbered year.

5 (b) (1) Odd-numbered years of the biennial regular session,
6 together with the immediately preceding December upon
7 organization of each house, shall be known as budget sessions. In
8 a budget session, the Legislature shall meet only to conduct
9 oversight and review of the revenues and expenditures of the State,
10 to examine the extent to which the State provides incentives for
11 economic investment and job creation, and to consider budget bills
12 and budget implementation bills for the succeeding two fiscal
13 years, ~~and revenue bills necessary therefor~~, except that the
14 Legislature may consider *a bill to improve job creation or*
15 *economic development following the hearings described in*
16 *paragraph (2), or a bill to enact an urgency statute as provided in*
17 ~~subdivision (d) of Section 8.~~

18 (2) *The Legislature shall convene a joint committee during each*
19 *budget session to conduct hearings regarding the business climate*
20 *in the State. The committee shall invite representatives from a*
21 *variety of businesses to testify and provide recommendations for*
22 *improving job creation and economic development. The committee*
23 *shall transmit a record of the recommendations received in these*
24 *hearings to each Member of the Legislature, to assist in enacting*
25 *legislation to improve job creation and economic development.*

26 (c) Even-numbered years of the biennial regular session shall
27 be known as general sessions, during which any legislation may
28 be considered.

29 (d) On extraordinary occasions the Governor by proclamation
30 may cause the Legislature to assemble in special session. When
31 so assembled, the Legislature shall have power to legislate only
32 on subjects specified in the proclamation, but may provide for
33 expenses and other matters incidental to the session.

34 (e) For purposes of this section, “budget implementation bill”
35 means a bill that is identified in a statute enacting a budget bill as
36 containing only changes in law necessary to implement the budget
37 bill.

38 Third—That Section 8 of Article IV thereof is amended to read:

39 SEC. 8. (a) At regular sessions no bill other than the budget
40 bill may be heard or acted on by committee or either house until

1 the 31st day after the bill is introduced unless the house dispenses
2 with this requirement by rollcall vote entered in the journal,
3 three-fourths of the membership concurring.

4 (b) The Legislature may make no law except by statute and may
5 enact no statute except by bill. No bill may be passed unless it is
6 read by title on three days in each house except that the house may
7 dispense with this requirement by rollcall vote entered in the
8 journal, two-thirds of the membership concurring. No bill may be
9 passed until the bill with amendments has been printed and
10 distributed to the Members. No bill may be passed unless, by
11 rollcall vote entered in the journal, a majority of the membership
12 of each house concurs.

13 (c) (1) Except as provided in paragraphs (2) and (3), a statute
14 enacted at a regular session shall go into effect on January 1 next
15 following a 90-day period from the date of enactment of the statute
16 and a statute enacted at a special session shall go into effect on the
17 91st day after adjournment of the special session at which the bill
18 was passed.

19 (2) A statute enacted by a bill passed by the Legislature on or
20 before the date the Legislature adjourns for a joint recess to
21 reconvene in the second calendar year of the biennium of the
22 legislative session, and in the possession of the Governor after that
23 date, shall go into effect on January 1 next following the enactment
24 date of the statute unless, before January 1, a copy of a referendum
25 petition affecting the statute is submitted to the Attorney General
26 pursuant to subdivision (d) of Section 10 of Article II, in which
27 event the statute shall go into effect on the 91st day after the
28 enactment date unless the petition has been presented to the
29 Secretary of State pursuant to subdivision (b) of Section 9 of
30 Article II.

31 (3) Statutes calling elections, statutes providing for tax levies
32 or appropriations for the usual current expenses of the State, and
33 urgency statutes shall go into effect immediately upon their
34 enactment.

35 (d) Urgency statutes are those necessary for immediate
36 preservation of the public peace, health, or safety. A statement of
37 facts constituting the necessity shall be set forth in one section of
38 the bill. In each house the section and the bill shall be passed
39 separately, each by rollcall vote entered in the journal, two-thirds
40 of the membership concurring. An urgency statute may not create

1 or abolish any office or change the salary, term, or duties of any
2 office, or grant any franchise or special privilege, or create any
3 vested right or interest.

4 (e) This section does not apply to any legislative session
5 commencing on or after December 3, 2012. This section shall
6 remain in effect until December 3, 2012, and as of that date is
7 repealed. Section 8 of Article IV, as added by the measure that
8 added this subdivision, shall apply to legislative sessions
9 commencing on or after December 3, 2012.

10 Fourth—That Section 8 is added to Article IV thereof, to read:

11 SEC. 8. (a) At a general session no bill may be heard or acted
12 on by committee or either house until the 31st day after the bill is
13 introduced unless the house dispenses with this requirement by
14 rollcall vote entered in the journal, three-fourths of the membership
15 concurring.

16 (b) The Legislature may make no law except by statute and may
17 enact no statute except by bill. No bill may be passed unless it is
18 read by title on three days in each house except that the house may
19 dispense with this requirement by rollcall vote entered in the
20 journal, two-thirds of the membership concurring. No bill may be
21 passed until the bill with amendments has been printed and
22 distributed to the Members. No bill may be passed unless, by
23 rollcall vote entered in the journal, a majority of the membership
24 of each house concurs.

25 (c) (1) Except as provided in paragraph (2), a statute enacted
26 at a regular session shall go into effect on January 1 next following
27 a 90-day period from the date of enactment of the statute and a
28 statute enacted at a special session shall go into effect on the 91st
29 day after adjournment of the special session at which the bill was
30 passed.

31 (2) Statutes calling elections, statutes providing for tax levies
32 or appropriations for the usual current expenses of the State, and
33 urgency statutes shall go into effect immediately upon their
34 enactment.

35 (d) Urgency statutes are those necessary for immediate
36 preservation of the public peace, health, or safety. A statement of
37 facts constituting the necessity shall be set forth in one section of
38 the bill. In each house, the section and the bill shall be passed
39 separately, each by rollcall vote entered in the journal, two-thirds
40 of the membership concurring. An urgency statute may not create

1 or abolish any office, change the salary, term, or duties of any
2 office, grant any franchise or special privilege, or create any vested
3 right or interest.

4 Fifth—That Section 10 of Article IV thereof is amended to read:

5 SEC. 10. (a) Each bill passed by the Legislature shall be
6 presented to the Governor. It becomes a statute if it is signed by
7 the Governor. The Governor may veto it by returning it with any
8 objections to the house of origin, which shall enter the objections
9 in the journal and proceed to reconsider it. If each house then
10 passes the bill by rollcall vote entered in the journal, two-thirds of
11 the membership concurring, it becomes a statute.

12 (b) (1) Any bill passed by the Legislature on or before the date
13 the Legislature adjourns for a joint recess to reconvene in the
14 second calendar year of the biennium of the legislative session,
15 and in the possession of the Governor after that date, that is not
16 returned within 30 days after that date becomes a statute.

17 (2) Any bill passed by the Legislature before September 1 of
18 the second calendar year of the biennium of the legislative session
19 and in the possession of the Governor on or after September 1 that
20 is not returned on or before September 30 of that year becomes a
21 statute.

22 (3) Any other bill presented to the Governor that is not returned
23 within 12 days becomes a statute.

24 (4) If the Legislature by adjournment of a special session
25 prevents the return of a bill with the veto message, the bill becomes
26 a statute unless the Governor vetoes the bill within 12 days after
27 it is presented by depositing it and the veto message in the office
28 of the Secretary of State.

29 (5) If the 12th day of the period within which the Governor is
30 required to perform an act pursuant to paragraph (3) or (4) is a
31 Saturday, Sunday, or holiday, the period is extended to the next
32 day that is not a Saturday, Sunday, or holiday.

33 (c) Any bill introduced during the first year of the biennium of
34 the legislative session that has not been passed by the house of
35 origin by January 31 of the second calendar year of the biennium
36 may no longer be acted on by the house. No bill may be passed
37 by either house on or after September 1 of an even-numbered year
38 except statutes calling elections, statutes providing for tax levies
39 or appropriations for the usual current expenses of the State, and

1 urgency statutes, and bills passed after being vetoed by the
2 Governor.

3 (d) The Legislature may not present any bill to the Governor
4 after November 15 of the second calendar year of the biennium of
5 the legislative session.

6 (e) The Governor may reduce or eliminate one or more items
7 of appropriation while approving other portions of a bill. The
8 Governor shall append to the bill a statement of the items reduced
9 or eliminated with the reasons for the action. The Governor shall
10 transmit to the house originating the bill a copy of the statement
11 and reasons. Items reduced or eliminated shall be separately
12 reconsidered and may be passed over the Governor's veto in the
13 same manner as bills.

14 (f) (1) If, following the enactment of the budget bill for the
15 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, 2009–10,
16 2010–11, 2011–12, or 2012–13 fiscal year, the Governor
17 determines that, for that fiscal year, General Fund revenues will
18 decline substantially below the estimate of General Fund revenues
19 upon which the budget bill for that fiscal year, as enacted, was
20 based, or General Fund expenditures will increase substantially
21 above that estimate of General Fund revenues, or both, the
22 Governor may issue a proclamation declaring a fiscal emergency
23 and shall thereupon cause the Legislature to assemble in special
24 session for this purpose. The proclamation shall identify the nature
25 of the fiscal emergency and shall be submitted by the Governor
26 to the Legislature, accompanied by proposed legislation to address
27 the fiscal emergency.

28 (2) If the Legislature fails to pass and send to the Governor a
29 bill or bills to address the fiscal emergency by the 45th day
30 following the issuance of the proclamation, the Legislature may
31 not act on any other bill, nor may the Legislature adjourn for a
32 joint recess, until that bill or those bills have been passed and sent
33 to the Governor.

34 (3) A bill addressing the fiscal emergency declared pursuant to
35 this section shall contain a statement to that effect.

36 (g) (1) This section does not apply to any legislative session
37 commencing on or after December 3, 2012. This section shall no
38 longer be operative as of December 3, 2012, and as of July 1, 2013,
39 is repealed. Section 10 of Article IV, as added by the measure that

1 added this subdivision, shall apply to legislative sessions
2 commencing on or after December 3, 2012.

3 (2) Notwithstanding paragraph (1), subdivision (f) shall remain
4 in effect until July 1, 2013.

5 Sixth—That Section 10 is added to Article IV thereof, to read:

6 SEC. 10. (a) Each bill passed by the Legislature shall be
7 presented to the Governor. It becomes a statute if it is signed by
8 the Governor. The Governor may veto it by returning it with any
9 objections to the house of origin, which shall enter the objections
10 in the journal and proceed to reconsider it. If each house then
11 passes the bill by rollcall vote entered in the journal, two-thirds of
12 the membership concurring, it becomes a statute.

13 (b) (1) Any bill passed by the Legislature in a budget session
14 or general session before September 1 and in the possession of the
15 Governor on or after September 1 that is not returned on or before
16 September 30 of that year becomes a statute.

17 (2) Any other bill presented to the Governor that is not returned
18 within 12 days becomes a statute.

19 (3) If the Legislature by adjournment of a special session
20 prevents the return of a bill with the veto message, the bill becomes
21 a statute unless the Governor vetoes the bill within 12 days after
22 it is presented by depositing it and the veto message in the office
23 of the Secretary of State.

24 (4) If the 12th day of the period within which the Governor is
25 required to perform an act pursuant to paragraph (2) or (3) is a
26 Saturday, Sunday, or holiday, the period is extended to the next
27 day that is not a Saturday, Sunday, or holiday.

28 (c) No bill may be passed by either house on or after September
29 1 of a general session except statutes calling elections, statutes
30 providing for tax levies or appropriations for the usual current
31 expenses of the State, and urgency statutes, and bills passed after
32 being vetoed by the Governor.

33 (d) The Legislature shall not present to the Governor any bill
34 passed in a budget session or general session after November 15.

35 (e) The Governor may reduce or eliminate one or more items
36 of appropriation while approving other portions of a bill. The
37 Governor shall append to the bill a statement of the items reduced
38 or eliminated with the reasons for the action. The Governor shall
39 transmit to the house originating the bill a copy of the statement
40 and reasons. Items reduced or eliminated shall be separately

1 reconsidered and may be passed over the Governor's veto in the
2 same manner as bills.

3 (f) (1) If, following the enactment of a budget bill for 2013–14
4 fiscal year or any subsequent fiscal year, the Governor determines
5 that, for that fiscal year, General Fund revenues will decline
6 substantially below the estimate of General Fund revenues upon
7 which the budget bill for that fiscal year, as enacted, was based,
8 or General Fund expenditures will increase substantially above
9 that estimate of General Fund revenues, or both, the Governor may
10 issue a proclamation declaring a fiscal emergency and shall
11 thereupon cause the Legislature to assemble in special session for
12 this purpose. The proclamation shall identify the nature of the
13 fiscal emergency and shall be submitted by the Governor to the
14 Legislature, accompanied by proposed legislation to address the
15 fiscal emergency.

16 (2) If the Legislature fails to pass and send to the Governor a
17 bill or bills to address the fiscal emergency by the 45th day
18 following the issuance of the proclamation, the Legislature may
19 not act on any other bill, nor may the Legislature adjourn for a
20 joint recess, until that bill or those bills have been passed and sent
21 to the Governor.

22 (3) A bill addressing the fiscal emergency declared pursuant to
23 this subdivision shall contain a statement to that effect.

24 Seventh—That Section 12 of Article IV thereof is amended to
25 read:

26 SEC. 12. (a) Within the first 10 days of each calendar year,
27 the Governor shall submit to the Legislature, with an explanatory
28 message, a budget for the ensuing fiscal year containing itemized
29 statements for recommended state expenditures and estimated state
30 revenues. If recommended expenditures exceed estimated revenues,
31 the Governor shall recommend the sources from which the
32 additional revenues should be provided.

33 (b) The Governor and the Governor-elect may require a state
34 agency, officer, or employee to furnish whatever information is
35 deemed necessary to prepare the budget.

36 (c) (1) The budget shall be accompanied by a budget bill
37 itemizing recommended expenditures.

38 (2) The budget bill shall be introduced immediately in each
39 house by the persons chairing the committees that consider the
40 budget.

1 (3) The Legislature shall pass the budget bill by midnight on
2 June 15 of each year.

3 (4) Until the budget bill has been enacted, the Legislature shall
4 not send to the Governor for consideration any bill appropriating
5 funds for expenditure during the fiscal year for which the budget
6 bill is to be enacted, except emergency bills recommended by the
7 Governor or appropriations for the salaries and expenses of the
8 Legislature.

9 (d) No bill except the budget bill may contain more than one
10 item of appropriation, and that for one certain, expressed purpose.
11 Appropriations from the General Fund of the State, except
12 appropriations for the public schools and appropriations in the
13 budget bill and in other bills providing for appropriations related
14 to the budget bill, are void unless passed in each house by rollcall
15 vote entered in the journal, two-thirds of the membership
16 concurring.

17 (e) (1) Notwithstanding any other provision of law or of this
18 Constitution, the budget bill and other bills providing for
19 appropriations related to the budget bill may be passed in each
20 house by rollcall vote entered in the journal, a majority of the
21 membership concurring, to take effect immediately upon being
22 signed by the Governor or upon a date specified in the legislation.
23 Nothing in this subdivision shall affect the vote requirement for
24 appropriations for the public schools contained in subdivision (d)
25 of this section and in subdivision (b) of Section 8 of this article.

26 (2) For purposes of this section, “other bills providing for
27 appropriations related to the budget bill” shall consist only of bills
28 identified as related to the budget in the budget bill passed by the
29 Legislature.

30 (f) The Legislature may control the submission, approval, and
31 enforcement of budgets and the filing of claims for all state
32 agencies.

33 (g) For the 2004–05, 2005–06, 2006–07, 2007–08, 2008–09,
34 2009–10, 2010–11, 2011–12, and 2012–13 fiscal years, the
35 Legislature may not send to the Governor for consideration, nor
36 may the Governor sign into law, a budget bill that would
37 appropriate from the General Fund, for that fiscal year, a total
38 amount that, when combined with all appropriations from the
39 General Fund for that fiscal year made as of the date of the budget
40 bill’s passage, and the amount of any General Fund moneys

1 transferred to the Budget Stabilization Account for that fiscal year
2 pursuant to Section 20 of Article XVI, exceeds General Fund
3 revenues for that fiscal year estimated as of the date of the budget
4 bill's passage. That estimate of General Fund revenues shall be
5 set forth in the budget bill passed by the Legislature.

6 (h) Notwithstanding any other provision of law or of this
7 Constitution, including subdivision (c) of this section, Section 4
8 of this article, and Sections 4 and 8 of Article III, in any year in
9 which the budget bill is not passed by the Legislature by midnight
10 on June 15, there shall be no appropriation from the current budget
11 or future budget to pay any salary or reimbursement for travel or
12 living expenses for Members of the Legislature during any regular
13 or special session for the period from midnight on June 15 until
14 the day that the budget bill is presented to the Governor. No salary
15 or reimbursement for travel or living expenses forfeited pursuant
16 to this subdivision shall be paid retroactively.

17 (i) This section does not apply to the budget or budget bill for
18 any fiscal period commencing on or after July 1, 2013. This section
19 shall remain in effect until July 1, 2013, and as of that date is
20 repealed. Section 12 of Article IV, as added by the measure that
21 added this subdivision, shall apply to the budget and budget bill
22 for fiscal periods commencing on or after July 1, 2013.

23 Eighth—That Section 12 is added to Article IV thereof, to read:

24 SEC. 12. (a) Within the first 10 days of each odd-numbered
25 calendar year, the Governor shall submit to the Legislature, with
26 an explanatory message, a separate budget for each of the two
27 subsequent fiscal years thereafter commencing on July 1,
28 containing itemized statements for recommended state expenditures
29 and estimated state revenues. If recommended expenditures exceed
30 estimated revenues, the Governor shall recommend the sources
31 from which the additional revenues should be provided.

32 (b) The Governor and the Governor-elect may require a state
33 agency, officer, or employee to furnish any information that is
34 deemed necessary to prepare each budget.

35 (c) (1) Each budget shall be accompanied by a budget bill
36 itemizing recommended expenditures for the applicable fiscal year.

37 (2) The budget bills shall be introduced immediately in each
38 house by the persons chairing the committees that consider the
39 budget.

1 (3) The Legislature shall pass the budget bills by midnight on
2 June 15 of the odd-numbered calendar year.

3 (4) Until the budget bills are enacted, the Legislature shall not
4 send to the Governor for consideration any bill appropriating funds
5 for expenditure during either of the two subsequent fiscal years
6 for which the budget bills are to be enacted, except emergency
7 bills recommended by the Governor or appropriations for the
8 salaries and expenses of the Legislature.

9 (d) No bill except a budget bill may contain more than one item
10 of appropriation, and that for one certain, expressed purpose.
11 Appropriations from the General Fund of the State, except
12 appropriations for the public schools and appropriations in the
13 budget bill and in other bills providing for appropriations related
14 to the budget bill, are void unless passed in each house by rollcall
15 vote entered in the journal, two-thirds of the membership
16 concurring.

17 (e) (1) Notwithstanding any other provision of law or of this
18 Constitution, the budget bill and other bills providing for
19 appropriations related to the budget bill may be passed in each
20 house by rollcall vote entered in the journal, a majority of the
21 membership concurring, to take effect immediately upon being
22 signed by the Governor or upon a date specified in the legislation.
23 Nothing in this subdivision shall affect the vote requirement for
24 appropriations for the public schools contained in subdivision (d)
25 of this section and in subdivision (b) of Section 8 of this article.

26 (2) For purposes of this section, “other bills providing for
27 appropriations related to the budget bill” shall consist only of bills
28 identified as related to the budget in the budget bill passed by the
29 Legislature.

30 (f) The Legislature may control the submission, approval, and
31 enforcement of budgets and the filing of claims for all state
32 agencies.

33 (g) For the fiscal year beginning July 1, 2013, and every July 1
34 thereafter, the Legislature shall not send to the Governor for
35 consideration, nor may the Governor sign into law, a budget bill
36 that would appropriate from the General Fund, for that fiscal year,
37 a total amount that, when combined with all appropriations from
38 the General Fund for that fiscal year made as of the date of the
39 budget bill’s passage and with the amount of any General Fund
40 moneys transferred to the Budget Stabilization Account for that

1 fiscal year pursuant to Section 20 of Article XVI, exceeds General
2 Fund revenues for that fiscal year estimated as of the date of the
3 budget bill's passage. That estimate of General Fund revenues
4 shall be set forth in the budget bill passed by the Legislature.

5 *(h) Notwithstanding any other provision of law or of this*
6 *Constitution, including subdivision (c) of this section, Section 4*
7 *of this article, and Sections 4 and 8 of Article III, in any year in*
8 *which the budget bill is not passed by the Legislature by midnight*
9 *on June 15, there shall be no appropriation from the current budget*
10 *or future budget to pay any salary or reimbursement for travel or*
11 *living expenses for Members of the Legislature during any regular*
12 *or special session for the period from midnight on June 15 until*
13 *the day that the budget bill is presented to the Governor. No salary*
14 *or reimbursement for travel or living expenses forfeited pursuant*
15 *to this subdivision shall be paid retroactively.*